DISPOSITION: May 30, 1951. A plea of nolo contendere having been entered, the court suspended sentence against the defendant and placed him on probation for 1 year without supervision.

3444. Misbranding of thyroid tablets and phenobarbital tablets. U. S. v. Hugh Latimer (Latimer Drug Co.). Plea of nolo contendere. Sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 30023. Sample Nos. 61893–K, 61900–K, 76414–K, 77118–K, 77712–K.)

INFORMATION FILED: February 26, 1951, Western District of Arkansas, against Hugh Latimer, trading as the Latimer Drug Co., Lockesburg, Ark.

INTERSTATE SHIPMENT: From the State of Indiana into the State of Arkansas, of quantities of *thyroid tablets* and *phenobarbital tablets*.

ALLEGED VIOLATION: On or about March 7, 9, and 13, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear any directions for use.

Further misbranding, Section 502 (d), the *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged *phenobarbital tablets* failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: May 30, 1951. A plea of nolo contendere having been entered, the court suspended sentence against the defendant and placed him on probation for 1 year without supervision.

3445. Misbranding of thyroid tablets, pentobarbital sodium capsules, and Tricombisul tablets. U. S. v. Harvey L. Claybaugh. Plea of nolo contendere. Fine of $1,000 and sentence of 1 year in jail; jail sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 29998. Sample Nos. 71094–K, 71106–K, 71110–K, 71117–K.)

INFORMATION FILED: February 21, 1951, District of Nevada, against Harvey L. Claybaugh, Las Vegas, Nev.

INTERSTATE SHIPMENT: From the State of California into the State of Nevada, of quantities of *thyroid tablets, pentobarbital sodium capsules,* and *Tricombisul tablets.*

ALLEGED VIOLATION: On or about January 30 and February 3, 4, and 13, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed

to bear adequate directions for use in that the labeling bore no directions for use.

Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the label of the repackaged *Tricombisul tablets* failed to bear the common or usual name of each active ingredient of the drug, namely, sulfacetimide, sulfadiazine, and sulfamerazine; and, Section 502 (f) (2), the repackaged *thyroid tablets* and *Tricombisul tablets* bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: March 8, 1951. A plea of nolo contendere having been entered, the court imposed a fine of $1,000 and a sentence of 1 year in jail. The jail sentence was suspended, and the defendant was placed on probation for 1 year.

3446. Misbranding of Desoxyn Hydrochloride tablets and pentobarbital sodium capsules. U. S. v. Charleston Drug Co. and Frank C. Harp. Pleas of nolo contendere. Fine of $2,500 against individual; no sentence imposed against company. (F. D. C. No. 30010. Sample Nos. 71103-K, 71108-K, 71112-K, 71114-K, 71115-K.)

INFORMATION FILED: February 2, 1951, District of Nevada, against the Charleston Drug Co., a partnership, Las Vegas, Nev., and Frank C. Harp, a partner in the partnership.

INTERSTATE SHIPMENT: From the State of California into the State of Nevada, of quantities of *Desoxyn Hydrochloride tablets* and *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about February 2, 3, 4, and 13, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and the place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *Desoxyn Hydrochloride tablets* failed to bear a label containing the common or usual name of the drug; and, Section 502 (f) (2), the labeling of the repackaged *Desoxyn Hydrochloride tablets* bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.